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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuichiro OGAWA

Group Art Unit: 1733

Application No.: 09/370,981

Examiner: J. Fischer

Filed: August 10, 1999

Docket No.: 104018

For: PNEUMATIC RADIAL TIRES

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REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the May 23, 2003 Office Action, reconsideration of the above-identified application is respectfully requested. Claims 1, 2, 4 and 6-10 are pending with claims 6-8 and 10 withdrawn from consideration.

An Election of Species Requirement was required between the figures. Accordingly, Applicant elected Species I, Figs. 1, 3, 4 and 5 and Species A, Fig. 2, claims 1-4 and 9. However, Applicant continues to retain claims 6-8 as they are dependent from claim 1 and remain generic to claim 1. Thus, claims 6-8 would be allowable for the same reasons claim 1 is allowable.

Furthermore, Applicant also requests consideration of claim 10 because Applicant asserts that a search for claim 10 does not place a serious burden upon the Examiner. In accordance with MPEP S803, "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added).

In the instant application, the Examiner has only asserted that the claims are directed to distinct or independent inventions. The Examiner has not provided an explanation as to why it would be a serious burden to examine both claims 1 and 10.

In particular, Applicant's claim 10 recites a core which extends from an outside of the tire toward an inside thereof. Conversely, Applicant's claim 1 recites a core which extends from an inside of the tire to an outside thereof. As such, both claims are directed to distinct inventions based only on the direction in which the core extends.

However, the fact that claims are directed to distinct inventions alone is not sufficient to establish that a serious burden is being placed on the Examiner to examine both claims. In this regard, Applicant asserts that a serious burden is not being placed on the Examiner to review both claims. In Ueyoko, U. S. Patent No. 5,885,387, the Examiner applied a reference which uses a core which extends from both the inside of the tire toward the outside and from an outside of the tire toward the inside. Applicant also notes that the Examiner has also applied previous applied art which discloses similar features. Applicant thus asserts that a serious burden is not being placed on the Examiner to review both claims.

As previously stated, the Examiner believes that the depiction of both embodiments in a single reference is irrelevant. However, by stating that both embodiments are disclosed in a single reference makes it evident that an unnecessary delay and expense to Applicant and duplicate examination by the U.S. Patent and Trademark Office exists because the search for the one embodiment overlaps the search for the second embodiment. It is thus respectfully requested that the Examiner explain why a serious burden is being placed on him to review the distinct claims when both embodiments are disclosed in previously applied art. It is also respectfully requested that claim 10 be entered and considered by the Examiner.

Claims 1, 2 and 9 were rejected under 35 U.S.C. §103(a) over JP 6-191238 (JP '238) in view of Ueyoko. The rejection is respectfully traversed.

Neither JP '238 nor Ueyoko disclose or suggest a pneumatic radial tire with a radial carcass comprised of a rubberized ply of a continuous cord and two bead cores that have such a rectangular structure such that one or more steel wires are arranged lengthwise and widthwise in radial and widthwise directions of the tire as recited in Applicant's claim 1.

As admitted, JP '238 is completely silent with respect to the use of a single, continuous cord (page 3, lines 5-7 of the Office Action).

Ueyoko fails to overcome the deficiencies of JP '238 because Ueyoko only employs, as the upper bead cord 14, a continuous cord 15 that is substantially continuous to the carcass cord 10 (col. 5, lines 43-45). In using the phrase "substantially continuous", it means that the upper bead cord 14 and the carcass cord 10 are one continuous cord without interruption. Because both the upper bead cord 14 and the carcass cord 10 are one continuous cord without interruption, both the upper bead cord 14 and the carcass cord 10 are made of the same material. On the other hand, Applicant recites a radial carcass made of one material, a rubberized ply, and bead cores that are made of a second material, a steel material. Accordingly, Ueyoko also fails to disclose Applicant's radial carcass and bead cores as recited in claim 1.

Ueyoko also suffers the deficiencies of Applicant's related art as discussed on pages 2 and 3 of Applicant's specification. Applicant notes that Ueyoko corresponds to JP-A-9-155991. When the upper bead cord 14 and carcass cord 10 are made as one continuous cord, Ueyoko suffers deficiencies that Applicant's claim 1 overcomes with the radial carcass and bead cores that are made of different materials.

In view of the foregoing, the combination of JP '238 and Ueyoko fails to disclose or suggest all of the features of claims 1. In addition, claims 2 and 9 recite additional features of the invention and are also believed to be allowable at least for the reasons discussed above

with respect to claim 1 and for the additional features recited therein. It is respectfully requested that the rejection be withdrawn.

Applicant appreciates the indication of allowability for claim 4. However, for the reasons discussed above, Applicant asserts that all of the claims are allowable.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: August 7, 2003

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